

Amended Amendment 15 to Council Bill No. 58-2009, as amended

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and at the request of the County Executive

Legislative Day No: 2
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Amended Amendment No. 15

(This amendment clarifies the moderate income housing unit obligation required in downtown.) (This amendment revises the Plan's section on housing.)

1 In the attachment, on page 8 strike the 5th paragraph that begins "As detailed below," down
2 through and including the last paragraph on page 10 that begins "As an alternative," inclusive,
3 and substitute:

4 **"MIXED-INCOME HOUSING UNIT (MIHU) REQUIREMENT**

5 Downtown Columbia should include a full spectrum of housing options. This Plan recommends
6 the Howard County Council enact zoning legislation requiring that a minimum of 15 percent of
7 all new housing units constructed in accordance with the new downtown revitalization process
8 be moderate income housing units. Moderate income housing units must be provided in
9 accordance with Title 13 of the Howard County Code.

10
11 The moderate income housing units will be regulated under Title 13 of the Howard County
12 Code, which is administered by the Howard County Department of Housing and Community
13 Development. In order to assure that the moderate income housing units are available to the
14 intended beneficiaries, covenants will be recorded against those properties in downtown where
15 units are to be constructed. Covenants will prohibit the sale or rental of these units except to
16 eligible individuals or families, the Howard County Housing Commission, the County or an
17 appropriate designee in accordance with the Housing and Community Development provisions
18 of the Howard County Code. Limitations on the future sale or rental of each moderate income
19 housing unit would also apply as specified in the County Code.

20
21 The Howard County Department of Housing and Community Development is also encouraged to

explore and consider alternative means of addressing the County's affordable housing needs in Downtown. One such alternative could provide for the inclusion of incentive based alternative compliance options that would encourage the development of low income as well as moderate income housing in downtown. The County Council would need to enact supplemental legislation to implement any alternative mechanism for affordable housing. Any alternative affordable housing obligation should be met downtown."

DOWNTOWN COLUMBIA COMMUNITY HOUSING FOUNDATION

A full spectrum housing program for Downtown Columbia should establish a flexible model that aspires to make new housing in downtown affordable to individuals earning across all income levels. In order to create an effective, flexible means of providing a full spectrum of housing for Downtown Columbia, GGP will establish the Downtown Columbia Community Housing Foundation ("DCCHF"), as detailed below. The intent of this full spectrum housing program for Downtown Columbia is to satisfy all affordable housing requirements for downtown.

Initial Source of Funds

GGP will establish the DCCHF at its expense and will contribute \$1.5 million to the DCCHF upon issuance of the first building permit for new housing in Downtown Columbia. GGP will contribute an additional \$1.5 million upon issuance of a building permit for the 400th new residential unit in Downtown Columbia. Each payment will be contingent on expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit.

Ongoing Developer Contributions

Each developer will provide a one-time, per unit payment to the DCCHF in the following amounts, to be imposed upon the issuance of any building permit for a building containing dwelling units. Payment will be contingent upon the expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit:

- 1). \$2,000/unit for each unit up to and including the 1,500th unit.
- 2). \$7,000/unit for each unit between the 1,501st unit up to and including the 3,500th unit.
- 3). \$9,000/unit for each unit between the 3,501st unit up to and including the 5,500th unit.

The amounts to be paid under 1), 2) and 3) above will be subject to annual adjustment based on a builder's index, land value or other index provided in the implementing legislation.

1 Each owner of property developed with commercial uses pursuant to the Downtown
2 Revitalization Zoning Regulations shall provide an annual payment to the DCCHF in the
3 amount of five cents (\$0.05) per square foot of Gross Leasable Area for office and retail
4 uses, and five cents (\$0.05) per square foot of net floor area for hotels. The payment
5 will be made annually by the property owner, with the initial payment being made prior
6 to the issuance of an occupancy permit for net new commercial development on the
7 property. The amount of the charge will be subject to annual adjustment based on a
8 builder's index, land value, or other index provided in the implementing legislation.
9

10 DCCHF Notice of Sale

11 The DHCCF should be notified by the developer or joint venture, via first class mail, of
12 land for or all residential units offered for initial sale in each new residential or mixed use
13 building in Downtown Columbia. No later than 10 days after the sale of rental housing,
14 the owner must provide written notice of the sale. The DCCHF also should be notified
15 by the developer, via first-class mail, of all apartment units offered for rental in each new
16 residential or mixed-use building containing rental units. In support of these objectives,
17 GGP should involve DCCHF in meaningful discussion with land purchasers in
18 Downtown Columbia in order to encourage full spectrum housing in each and every
19 neighborhood.
20

21 DCCHF Organizational Structure.

22 It is anticipated that Howard County, in consultation with GGP, will determine, by
23 legislation, the organizational entity, organizational structure, membership, functions,
24 and implementation of the DCCHF. The legislation should provide that, in order to be
25 eligible to receive the funds provided for in this Plan, the DCCHF must be a non-profit
26 entity organized for the purpose of providing full spectrum, below market housing in
27 Downtown Columbia. Use of DCCHF funds is limited to providing full spectrum, below
28 market housing in Downtown Columbia may include, but is not limited to, funding new
29 construction; acquiring housing units; preserving existing homes; financing rehabilitation
30 of rental housing; developing senior, family or special needs housing; providing
31 predevelopment, bridge, acquisition and permanent financing; offering eviction
32 prevention and foreclosure assistance.”.